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Attorneys for Defendant
NEWEGG INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SITE UPDATE SOLUTIONS, LLC,

Plaintiff,

v.

ACCOR NORTH AMERICA, INC., ET AL.,

Defendant.

CASE NO. 5:11-CV-03306-PSG

JOINT STIPULATION AND [PROPOSED]
ORDER TO DISMISS ALL CLAIMS
BETWEEN SITE UPDATE SOLUTIONS,
LLC AND NEWEGG INC.

AND RELATED COUNTERCLAIMS

JOINT STIPULATION

WHEREAS, Plaintiff Site Update Solutions LLC (“Site Update”) filed a Notice of Motion and Memorandum of Points and Authorities in Support of its Motion to Dismiss the Complaint Pursuant to Fed. R. Civ. P. 41(a)(2) and the Counterclaims Pursuant to Fed. R. Civ. P. 12(b)(1) [Dkt. No. 642] (“Motion to Dismiss”) on October 22, 2012.

WHEREAS, Defendant Newegg Inc. (“Newegg”) filed a Memorandum in Opposition to Plaintiff’s Motion to Dismiss the Complaint [Dkt. No. 645] (“Opposition”) on November 6, 2012.

WHEREAS, after Newegg filed its Opposition, Site Update amended the Covenant Not to Sue attached to Site Update’s Motion to Dismiss [Dkt. No. 642-1] to address the concerns raised in Newegg’s Opposition. The amended Covenant not to Sue is attached as Exhibit A.

1 WHEREAS, in view of the amended Covenant Not to Sue, Newegg agrees to a dismissal
2 of its Counterclaims. Newegg still intends to seek fees pursuant to 35 U.S.C. §285, as noted in
3 prior submissions to the Court and in its Opposition.

4 WHEREAS, Site Update and Newegg now stipulate to dismissal of all claims by Site
5 Update against Newegg WITH PREJUDICE, and all counterclaims by Newegg against Site
6 Update WITHOUT PREJUDICE and respectfully request this Court to issue an Order affirming
7 said stipulation.

8 **IT IS SO STIPULATED.**

9 Dated: 11/8/2012

10 By: /s/ Edward W. Goldstein

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11/8/2012

By: /s/ Yar R. Chaikovsky

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Attorneys for Defendant
NEWEGG, INC.

CERTIFICATE OF ATTESTATION

I hereby attest pursuant to General Order 45.X.B. that concurrence in the electronic filing of this document has been obtained from the other signatories.

By: /s/ Philip Ou

Philip Ou

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ATTORNEYS AT LAW
MENLO PARK

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[PROPOSED] ORDER TO DISMISS ALL
CLAIMS BETWEEN SITE UPDATE
SOLUTIONS, LLC AND NEWEGG INC.

AND RELATED COUNTERCLAIMS

Having considered the Parties' stipulation, the Court orders as follows:

IT IS SO ORDERED that all claims by Site Update against Newegg are dismissed WITH
PREJUDICE, and all counterclaims by Newegg against Site Update are dismissed WITHOUT
PREJUDICE.

Dated: _____

Honorable Paul S. Grewal